

Notice of Allowability

Application No.

10/803,345

Applicant(s)

SYVERSON ET AL.

Examiner

Art Unit

Lakshmi S. Channavajjala

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3-8-07.
2. ☒ The allowed claim(s) is/are 33-45, 47 and 63-68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

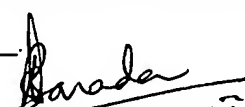
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3-26-07</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


LAKSHMI S. CHANNAVAJJALA
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeannie Boettler on 3-26-07.

The application has been amended as follows:

In claims 33, line 16, after the word "is", delete the formula $-\text{COR}^5$

In claim 33, delete line 17 and add $-\text{C}(\text{O})\text{NH}_2$

In claims 33, delete line 18

In claim 33, line 19 delete "and NH_2 "

In claim 34, line 12, after the word "is", delete the formula $-\text{COR}^5$

In claim 34, delete line 13 and add $-\text{C}(\text{O})\text{NH}_2$

In claims 34, delete line 14

In claim 34, line 15 delete "and NH_2 "

Cancel claim 46.

In claim 47, line 12, after the word "is", delete the formula $-\text{COR}^5$

In claim 47, delete line 13 and add $-\text{C}(\text{O})\text{NH}_2$

In claims 47, delete line 14

In claim 47, line 15 delete "and NH₂"

In claim 63, line 12, after the word "is", delete the formula -COR⁵

In claim 63, delete line 13 and add -C(O)NH₂

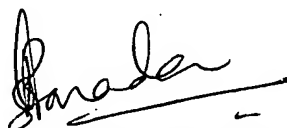
In claims 63, delete line 14

In claim 63, line 15 delete "and NH₂"

In the specification, on page 38, in paragraph [0096] replace "Glucopon" with
GLUCOPON

The following is an examiner's statement of reasons for allowance: Instant claims are allowable because employing the combination of the claimed compounds as exoprotein inhibitors, deposited on a non-absorbent articles, in an amount effective to inhibit the production of exoprotein from Gram-positive bacteria are not suggested by the teachings of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



LAKSHMI S. CHANNAVAJJALA
PRIMARY EXAMINER